



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,333	10/24/2003	Jeremiah Seth Epling	MS1-1755US	8246
22801	7590	10/15/2009	EXAMINER	
LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				CHUMPITAZ, BOB R
ART UNIT		PAPER NUMBER		
3629				
			NOTIFICATION DATE	DELIVERY MODE
			10/15/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[lhptoms@leehayes.com](mailto:lhptoms@leehayes.com)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,333	EPLING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BOB CHUMPITAZ	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3/12/09.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 and 15-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

The following is a Final Office action in response to communication received June 9, 2009. Claims 1, 7, 9, 11, 16, 18 and 20 are currently amended, claim 4 is cancelled and claim 21 has been added. Therefore, claims 1-3 and 5-21 are pending and addressed below.

### ***Response to Amendments***

- In light of amendments to claims 11 and 16, the Examiner withdraws the previous 35 USC 101 rejections to claims 11-13 and 15-20. However, claims 1-10 stand rejected over 35 USC 101.
- In light of amendments to claim 11, the Examiner withdraws the previous 35 USC 112 2<sup>nd</sup> paragraph rejections to claims 11-13 and 15.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-10 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**Claims 1 and 21** are drawn to a method for outputting a transformed web site privacy policy onto a display device; *via a trust engine module stored in memory*, comprising: "comparing one or more users concerns with a web site privacy policy; *via the trust engine module....*", "identifying specific portions of the web site privacy policy that conflict with the user concerns; *via the trust engine module*" and "outputting the entire

web site privacy policy onto the display device...; *outputting the web site privacy policy in an expandable-collapse tree...*" However, all of the recited method steps can be performed by the user themselves, in the mind of the user or between different users through writing and displaying the written material by a user, and therefor these method steps are not tied to a particular machine nor do they transform an article. For example, a human service provider could receive instructions to compare one or more user concerns with a web site privacy policy, identify specific portions of the web site privacy policy that conflict with the user concerns; and output the entire web site privacy policy. The human service provider could also output the entire web site privacy policy data via a network of computers, the data received on the network could merely be displayed data to the human service provider. This displayed data is considered extra post solution activity. To qualify as a statutory process, the claim should positively recite in the body of the claim, the machine to which it is tied. For example, by identifying the machine that accomplishes the method steps, or positively reciting the article that is being transformed. Please note that *nominal recitations of a machine in an otherwise ineligible method fail to make the method a statutory process.* See Benson, 409 U.S. at 70-72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Comiskey, 499 F.3d at 1380 (citing In re Grams, 888 F.2d 835, 839-40 (Fed.Cir. 1989)). Incidental physical limitations, such as data gathering, field of use limitations, storing, collecting, sending, receiving, and other forms of insignificant extra solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token

recitations of involvement of a machine or transformation in a method claim do not convert an otherwise ineligible claim into an eligible one. *Ex parte Langemir* (2008) and *In re Bilski*, (Fed. Cir. 2008). The first step in determining whether a claim recites patent eligible subject matter is to determine whether the claim falls within one of the four statutory categories of invention recited in 35 USC 101 : process, machine, manufacture and composition of matter. The latter three categories define "things" or "products", while a "process" consists of a series of steps or acts to be performed. For purposes of 101, the analysis of a process is guided by the machine-or-transformation test. *In re Bilski*, - F.3d - (Fed. Cir. 2008)(en banc). Based on Supreme Court precedent (*Diamond v Diehr*, 450 U.S. 175,184 (1 981); *Parker v. Flook*, 437 US 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1 972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1 876)) and recent precedent from the Federal Circuit from *In re Bilski*, the machine-or-transformation test is a two branched inquiry; an applicant may show that a process claim satisfies § 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. See *Benson*, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First, as illustrated by *Benson*, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility. See *Benson*, 409 U.S. at 71 -72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See *Flook*, 437 U.S. at 590. If neither of these requirements is met by the claim, the method is not a patent eligible process under 35 U.S.C. 101. Therefore, the applicable test to determine whether

a claim is drawn to a patent-eligible process under § 101 is the machine-or-transformation test set forth by the Supreme Court and clarified herein, and Applicants' claim here appears to fail this test. No new matter should be added.

**Claims 2-10** depend from claim 1 and do not cure the deficiencies set forth above.

Therefore, claims 2-10 are also rejected over 35 USC 101 for being directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the **first paragraph** of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 11 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

**Claims 11 and 21** respectively recite: “request an user input prior to continue browsing the Web sites that don not contain the Web site privacy policy”; “outputting the Web site privacy policy in an expandable-collapsible tree where each conflicting portion is identified by its own branch in the tree and the non-conflicting portions are identified by its own branch in the tree, the branches representing the non-conflicting portions placed below the branches representing the conflicting portions.” However, there is no support in the specification for the noted limitations. In the remarks applicant states that support

for the claim amendments and additions can be found in the original disclosure, however there is no clear support for the noted claimed limitations. Therefore, clarification is required. No new matter should be added.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6, and 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barzilai et al. (US 2002/0104015 A1) (hereinafter Barzilai) in view of Ahlstrom et al. (US 6,327,618 B1) (hereinafter Ahlstrom).**

**As per claim 1,** Barzilai discloses a method for outputting a transformed Web site privacy policy onto a display device, comprising:

comparing one or more user concerns with a Web site privacy policy ([0003-4, Platform for Privacy Preference Project (P3P) browsers automatically read a web site's privacy policies and compare it to the consumer's (users) privacy preferences (concerns)]; see also, [0011-14, the enterprise privacy manager (EPM) ensures that the users receive notice of the policy of the web site they are currently visiting and that the user consent to the policy before submitting user's private information]; see also, [0024, 0075, prompting

the user to provide input to indicate whether the user accepts or rejects the change]; see also, Fig. 6, item 88).

Barzilai does not expressly disclose: identifying specific portions of the Web site privacy policy that conflict with the user concerns; outputting the entire Web site privacy policy onto the display device such that the identified specific portions of the Web site privacy policy that conflict with the user concerns appear before the portions of the Web site privacy policy that do not conflict with the user concerns. However, Ahlstrom teaches identifying a policy conflict when a first condition of the first policy and a second condition of the second policy conflict (col. 4, lines 9-18). In addition, Ahlstrom teaches when a conflict is found the policy verifier displays the conflicting policies to a user and promotes the user to correct one or both policies so that they do not conflict; and displaying the conflicting policies for prompting the user to choose which of the policies is to take precedence over the other policies. Furthermore, Ahlstrom teaches once the conflict resolution is completed the system executes the corrected or re-ordered policies (col. 10, lines 21-67). Lastly, Ahlstrom teaches a computer system coupled via bus to a display for displaying information to a computer user (col. 12, lines 34-63). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the web site privacy policy analysis of Barzilai to include a method for recognizing and processing conflicts in policies that govern a policy based system as taught by Ahlstrom in order to create a time efficient privacy management solution for

managing variations in privacy policy that may be implemented in different parts of a single enterprise or changes in privacy policy that may occur over time.

**As per claims 2 and 3,** Barzilai and Ahlstrom disclose claim 1 as rejected above, wherein Barzilai further discloses:

collecting user concerns from a user ([0002, information collected from users by network servers]; see also, [0059, 0070, collecting information from users]).

collecting the user concerns from a user via a concerns settings user interface ([0063, 0069-73 EPM comprises a number of interfaces; a user request handler which collects data to be passed to personal information engine]).

**As per claim 4,** Barzilai and Ahlstrom disclose claim 1 as rejected above, wherein Barzilai further discloses:

the Web site privacy policy includes one or more policy statements ([0097, web site privacy policy are presented to the user in a variety of ways such as a list of privacy rules that are pertinent to the requested personal information]); and

the comparing further comprises comparing each privacy policy statement with each user concern ([0113, the privacy policy and the list of requested data are passed to matcher in personal information engine, which compares the privacy policy to the specific privacy rules]).

**As per claims 5 and 6,** Barzilai and Ahlstrom disclose claim 1 as rejected above, wherein Barzilai further discloses:

wherein the privacy policy further comprises a policy file that conforms to P3P (Platform for Privacy Preferences Project) standards ([0004, P3P provides a standardized set of multiple choice questions, covering major aspects of a Web site's privacy policies, in order to give a "snapshot" of how a site handles personal information about its users]).

the privacy policy is contained in an XML (eXtensible Markup Language) file. ([0004, P3P enabled web sites make this information available in a standard, machine-readable format using Extensible Markup Language (XML) and the Hypertext Transfer Protocol (HTTP)]).

**As per claim 8,** Barzilai and Ahlstrom disclose claim 1 as rejected above, but Barzilai does not expressly disclose notifying the user that a conflict exists between the user concerns and the Web site privacy policy file. However, Ahlstrom teaches wherein administrators are informed when policies conflict and are given tools to resolve conflict (col. 9, lines 6-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barzilai to include a form of notification when policies conflict as taught by Ahlstrom in order to create a time efficient process for resolving policy conflicts.

**As per claim 9,** Barzilai and Ahlstrom disclose claim 1 as rejected above, wherein Barzilai further discloses wherein the outputting is performed in response to a user request to display the

re-ordered Web site privacy policy ([0025, a request by the user to access the given resource responsive to the request....conveying the privacy policy in a standard form for presentation by a web browser]; see also, [0063, privacy policies are displayed on user's browser]; see also, [0096, display new privacy policy on the user's computer upon request]).

**As per claim 10,** Barzilai and Ahlstrom disclose claim 1 as rejected above, wherein Barzilai further discloses where claim 1 further comprising receiving a user request to initiate a policy analysis ([0050, query the application to determine compliance with privacy policies subject to which the requested information was received]; see also, [0024, prompting the user to provide input]).

**As per claim 11,** Barzilai discloses a web site privacy policy evaluation and transformation system, comprising:

one or more processors; and memory having instructions executable by the one or more processors ([0002, 48-50, 63]), the memory including:  
a user concerns menu to allow a user to enter user privacy concern preferences to be used in evaluating a Web site privacy policy file ([0003, 0024, web sites prompt users to input various items]; see also, [0061-62, graphical user interface enables the administrator to create, review, and edit policies]);

a Web browser to allow the user to access one or more network Web sites based on the evaluation of the privacy policy file ([0025, web browser]);

a trust engine for evaluating the privacy file, the trust engine enabled to:

request an user input prior to continue browsing the Web sites that do not contain the Web site privacy policy ([0003] enterprise web sites prompt users to input various items of personal information),

evaluate the privacy policy file by comparing the user concerns with the privacy policy file ([0004, P3P enable browsers can read the policy automatically and compare it to the consumer's own set of privacy preferences]; see also, [0113, privacy policy and the list of requested data are passed to matcher 52 in a personal engine which compares the privacy policy to the specific privacy rules governing each item of requested data]), and

Barzilai does not expressly disclose: identify specific portions of the privacy policy file that conflict with the user concerns; a transformation module to transform the privacy policy file into a user-centric policy display that emphasizes the specific portions of the privacy policy file that conflict with the user concerns; a user interface module to cause the display of the transformed privacy policy file. However, Ahlstrom teaches identifying a policy conflict when a first condition of the first policy and a second condition of the second policy conflict (col. 4, lines 9-18). In addition, Ahlstrom teaches when a conflict is found the policy verifier displays the conflicting policies to a user and promotes the user to correct one or both policies so that they do not conflict; and

displaying the conflicting policies for prompting the user to choose which of the policies is to take precedence over the other policies. Furthermore, Ahlstrom teaches once the conflict resolution is completed the system executes the corrected or re-ordered policies (col. 10, lines 21-67; see also, col. 12, lines 15-63 computer system is coupled via a bus to display a cathode ray tube for displaying information to a computer user). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the web site privacy policy analysis of Barzilai to include a method for recognizing and processing conflicts in policies that govern a policy based system as taught by Ahlstrom in order to create a time efficient privacy management solution for managing variations in privacy policy that may be implemented in different parts of a single enterprise or changes in privacy policy that may occur over time.

Examiner notes: A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art- if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987). Please note this applies to claims 11-13 and 15-20.

**As per claim 12,** Barzilai and Ahlstrom disclose claim 11 as rejected above, wherein Barzilai further discloses wherein the trust engine further compares each user concern with each of multiple statements making up the privacy policy file ([0113, privacy policy and the list of requested data are passed to matcher 52 in a personal engine which compares the privacy policy to the specific privacy rules governing each item of requested data]).

**As per claim 13,** Barzilai and Ahlstrom disclose claim 11 as rejected above, wherein Barzilai discloses a collection of web pages accessible through a web site of the enterprise and wherein providing the privacy policy includes conveying the policy in a standard form for presentation by a Web browser ([0025]), but does not expressly disclose wherein the Web browser further provides a conflict notification when there is a conflict between a user concern and the privacy policy file.

However, Ahlstrom teaches wherein administrators are informed when policies conflict and are given tools to resolve conflict (col. 9, lines 6-37). In addition, Ahlstrom teaches a policy verifier the checks each policy for conflicts, notifies a user or other system, and resolves the conflicts (col. 12, lines 6-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barzilai to include a form of notification when policies conflict as taught by Ahlstrom in order to create a time efficient process for resolving policy conflicts.

**As per claim 15,** Barzilai and Ahlstrom disclose claim 11 as rejected above, wherein Barzilai does not expressly disclose wherein the user interface module displays the portions of the privacy policy file that conflict with the user concerns more prominently than the portions of the privacy policy file that do not conflict with the user concerns. However, Ahlstrom teaches displaying information that describes the conflict; and receiving modification information that

modifies the first policy or the second policy so as to eliminate the conflict. In addition, Ahlstrom teaches displaying information that describes the conflict and receiving precedence information that identifies whether the first policy or the second policy shall take precedence (col. 4, lines 9-23). Furthermore, Ahlstrom teaches wherein resolving conflict between two policies and administrator may change one or both of them; and can supply the system with information on the relative priorities of the policies (col. 9, lines 29-37; see also, col. 10, lines 29-37, a text based or graphical policy editor). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barzilai to include a conflict resolution text based or graphical policy editor as taught by Ahlstrom in order to create a process that reports to the user or to system the consequences of a particular policy conflict resolution and executing the corrected or re-ordered policies in a time efficient manner.

**As per claim 16,** Barzilai discloses one or more computer-readable media including computer-executable instructions that, when executed on a computer, perform a method of:

comparing a set of user concerns with a set of Web site privacy policy statements to determine if a privacy policy statement conflicts with a user concern ([0004, 0048-50 P3P enabled web sites make this information available in a standard, machine-readable format using extensible markup language (XM) and the hypertext transfer protocol (HTTP) and P3P enabled browsers read the policy snapshot automatically and compare it to the consumers own set or privacy preferences]); adding metadata to the privacy policy statements' internal representation of the conflicting statements ([0092, 96] metadata identifying the privacy rules).

Barzilai does not expressly disclose identifying specific portions of the privacy policy statement that conflict with the user concern; re-ordering the privacy policy statements so that the specific portions of the privacy policy statement that conflict with the user concern appear before the portions of the privacy policy statement that do not conflict with the user concern; and causing the display of the re-ordered privacy policy statements on a display device. However, Ahlstrom teaches identifying a policy conflict when a first condition of the first policy and a second condition of the second policy conflict (col. 4, lines 9-18). In addition, Ahlstrom teaches when a conflict is found the policy verifier displays the conflicting policies to a user and promotes the user to correct one or both policies so that they do not conflict; and displaying the conflicting policies for prompting the user to choose which of the policies is to take precedence over the other policies. Ahlstrom further teaches once the conflict resolution is completed the system executes the corrected or re-ordered policies (col. 10, lines 21-67). Furthermore, Ahlstrom teaches wherein conflict resolution is accomplished by the system keeping a partial order of all policies, or of all conflicting policies (col. 9, lines 34-36). Lastly, Ahlstrom teaches receiving metadata related to the policies (col. 9, lines 50-57). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the web site privacy policy analysis of Barzilai to include a method for recognizing and processing conflicts in policies that govern a policy based system as taught by Ahlstrom in order to create a time efficient privacy management solution for managing variations

in privacy policy that may be implemented in different parts of a single enterprise or changes in privacy policy that may occur over time.

**As per claim 17,** Barzilai and Ahlstrom disclose claim 16 as rejected above, wherein Barzilai further discloses collecting the set of user concerns from a user ([0002, information collected from users by network servers]; see also, [0059, 0070, collecting information from users]).

**As per claim 18,** Barzilai and Ahlstrom disclose claim 16, wherein Barzilai further discloses receiving a prompt from a user before executing the comparing, identifying, re-ordering, and the causing the display of ([0012, EPM prompts the user for consent to change before allowing the interaction to continue]).

**As per claims 19 and 20,** Barzilai and Ahlstrom disclose claim 16 as rejected above, but Barzilai does not expressly disclose providing a conflict notification to a user to inform the user that specific portions of the privacy policy statement that conflict with the user concern have been identified; and only performing the causing the display of upon detection of a user response to the conflict notification. However, Ahlstrom teaches wherein administrators are informed when policies conflict and are given tools to resolve conflict (col. 9, lines 6-37). In addition, Ahlstrom teaches a policy verifier the checks each policy for conflicts, notifies a user or other system, and resolves the conflicts (col. 12, lines 6-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barzilai to include a form of

notification when policies conflict as taught by Ahlstrom in order to create a time efficient process for resolving policy conflicts.

As per claim 21, A method for outputting a transformed Web site privacy policy via a trust engine module stored in memory, comprising:

comparing one or more user concerns with the Web site privacy policy via the trust engine module when the Web site does contain the Web site privacy policy ([0003-4, Platform for Privacy Preference Project (P3P) browsers automatically read a web site's privacy policies and compare it to the consumer's (users) privacy preferences (concerns)]; see also, [0011-14, the enterprise privacy manager (EPM) ensures that the users receive notice of the policy of the web site they are currently visiting and that the user consent to the policy before submitting user's private information]; see also, [0024, 0075, prompting the user to provide input to indicate whether the user accepts or rejects the change]; see also, Fig. 6, item 88);

Barzilai does not expressly disclose identifying specific portions of the Web site privacy policy that conflict with the user concerns via the trust engine module; and outputting the Web site privacy policy in an expandable-collapsible tree where each conflicting portion is identified by its own branch in the tree and the non-conflicting portions are identified by its own branch in the tree, the branches representing the non-conflicting portions placed below the branches representing the conflicting portions. However, Ahlstrom teaches identifying a policy conflict when a first condition of the first policy and a second

condition of the second policy conflict (col. 4, lines 9-18). In addition, Ahlstrom teaches when a conflict is found the policy verifier displays the conflicting policies to a user and promotes the user to correct one or both policies so that they do not conflict; and displaying the conflicting policies for prompting the user to choose which of the policies is to take precedence over the other policies. Furthermore, Ahlstrom teaches once the conflict resolution is completed the system executes the corrected or re-ordered policies (col. 10, lines 21-67). Lastly, Ahlstrom teaches a computer system coupled via bus to a display for displaying information to a computer user (col. 12, lines 34-63). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the web site privacy policy analysis of Barzilai to include a method for recognizing and processing conflicts in policies that govern a policy based system as taught by Ahlstrom in order to create a time efficient privacy management solution for managing variations in privacy policy that may be implemented in different parts of a single enterprise or changes in privacy policy that may occur over time.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barzilai in view of ([www.w3schools.com](http://www.w3schools.com)) (hereinafter W3Schools) (© Feb. 2003).**

**As per claim 7,** Barzilai and Ahlstrom disclose claim 1 as rejected above, but do not expressly disclose wherein outputting the Web site privacy policy includes outputting the re-ordered Web site privacy policy in an XSL (extensible Stylesheet Language) transformation. However, W3Schools teaches how XML documents are displayed and transformed into XSL language (Pgs.1-11, XSL transformation). Therefore it would have been obvious to one of ordinary skill in

the art at the time of the invention to modify the web site privacy policy analysis of Barzilai and the policy based method and system of Ahlstrom to include an XSL transformation process for displaying the re-ordered web site privacy policy as taught by W3Schools in order to efficiently and effectively display the privacy policy in XSL format.

**Please note:**

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See e.g. MPEP §2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) “As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.” *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board’s claim construction of “further including that said wall may be smooth, corrugated, or profiled

with increased dimensional proportions as pipe size is increased" since "this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form 'may.'").

***Response to Arguments***

Applicant's arguments filed 6/9/09 have been fully considered but they are not persuasive. In the remarks Applicant argues:

**Claim 1:**

(1) Applicant respectfully submits that Barzilai and Ahlstrom whether taken alone or in combination, fail to disclose or suggest the recitations of claim 1. Specifically, Barzilai in view of Ahlstrom fails to disclose or suggest "outputting the entire Web site privacy policy onto the display device such that the identified specific portions of the Web site privacy policy that conflict with the user concerns appear before the portions of the Web site privacy policy that do not conflict with the user concerns" as recited in claim 1.

Ahlstrom teaches displaying only the conflicting policies rather than outputting "the entire Web site privacy policy onto the display device such that the identified specific portions of the Web site privacy policy that conflict with the user concerns appear before the portions of the Web site privacy policy that do not conflict with the user concerns" as recited in claim 1. (Emphasis added}.

Applicant respectfully does not submit that the examiner has met the burden to combine the Barzilai and Ahlstrom references; rather, the Applicant reserves the right to challenge the motivation to combine the Barzilai and Ahlstrom references.

Dependent claims 2-10 depend from independent claim 1 and are believed allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

**Claim 11:**

(2) Barzilai in view of Ahlstrom fails to disclose or suggest "request an user input prior to continue browsing the Web sites that do not contain the Web site privacy policy" as recited in claim 11. Prompting a user for input when there has been a change to a privacy policy requires requesting user input with respect to a Web site that contains a privacy policy rather than requesting user input for "Web sites that do not contain the Web site privacy policy" as recited in claim 11. Thus, Ahlstrom requests user input with respect to Web sites that contain policies rather than requesting user input for "Web sites that do not contain the Web site privacy policy" as recited in claim.

Dependent claims 12-13, and 15 depend from independent claim 11 and are allowable by virtue of this; dependency, as well as for additional features that they recite, Applicant also respectfully requests individual consideration of each dependent claim.

**Claim 16:**

(3) Barzilai in view of Ahlstrom fails to disclose or suggest "adding metadata to the privacy policy statements' internal representation of the conflicting statements" as recited in claim 16. The only discussion in Ahlstrom that may relate to "adding metadata" is in Ahlstrom's use of 'executing' policies. Specifically, Ahlstrom recites: "[w]hen conflict resolution of block 208 is completed, control may be returned to block 206 to repeat the policy conflict test, Alternatively, the system may proceed to block 216 in which the corrected or re-ordered policies are executed." (Column 10, lines 63-67, Emphasis added). However, assuming, arguendo, that 'executing' the policies, as used in Ahlstrom suggests adding metadata to the internal representation of the policies being executed, Ahlstrom still fails to teach or suggest "adding metadata to the privacy policy statements' internal representation of the conflicting statements" since Ahlstrom teaches executing the corrected or non-conflicting statements rather than executing the "conflicting statements."

Dependent claims 17-20 depend from independent claim 16 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

**Claim 21:**

(4) Applicant respectfully submits that Barzilai in view of Ahlstrom fails to disclose or suggest the recitations of newly presented claim 21 for at least two reasons. First, Barzilai

in view of Ahlstrom fails to disclose or suggest "outputting the Web site privacy policy in an expandable-collapsible tree." Applicant provides the relevant portion of Ahlstrom that was cited by the Office: "Similarly, block 212 may involve displaying two or more conflicting policies to a user and prompting the user to choose which of the policies is to take precedence over the other policies." (Column 10, Lines 38-41), Although Ahlstrom provides displaying conflicting policies, Ahlstrom is silent as to the format that is used to display the conflict policies. Furthermore, the figures of Ahlstrom also fail to provide any guidance on the format that is used to display the conflicting policies.

Second, Barzilai in view of Ahlstrom fails to disclose or suggest "the branches representing the non-conflicting portions placed below the branches representing the conflicting portions" as recited in claim 21. As illustrated in Column 10, Lines 38-41 of Ahlstrom, Ahlstrom provides displaying only the conflicting policies to the user. Since Ahlstrom only teaches displaying the conflicting policies, Ahlstrom fails to teach or suggest outputting the non-conflicting portions below the conflicting portions as recited in newly presented claim 21.

In response to argument(s) (1) - (4), the Examiner respectfully disagrees. The Barzilai/Ahlstrom combination discloses the claimed limitations noted above. For reasons of argument and to expedite the prosecution process with respect to "outputting the entire web site privacy policy....such that the identified specific portions of the web site privacy policy that conflict with the user concerns appear before the portions of the web site

privacy policy that do not conflict with the user concerns," the Examiner notes the process of outputting an entire web site privacy policy that displays the conflicting messages before the non-conflicting messages does not differ from the process disclosed by the Barzilai/Ahlstrom combination where Ahlstrom teaches and as stated by applicant in the remarks: "As illustrated in Column 10, Lines 38-41 of Ahlstrom, Ahlstrom provides displaying only the conflicting policies to the user." Furthermore, as noted in the office action, Ahlstrom teaches displaying the conflicting policies for prompting the user to choose which of the policies is to take precedence over the other policies; and once a conflict resolution is completed the system executes the corrected or re-ordered policies (col. 10, lines 21-67). Lastly, Ahlstrom teaches a computer system coupled via bus to a display for displaying information to a computer user (col. 12, lines 34-63). Whether the outputted web site privacy policy displays "conflicting" or "non-conflicting" or "conflicting before the non-conflicting" or "non-conflicting before conflicting" policies the process of displaying an entire web site privacy policy would be performed the same regardless of what type of web site privacy policy information is displayed. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Furthermore, in regards to: (claim 21, which reads on similar claim elements recited in claim 1) "outputting the Web site privacy policy in an expandable-collapsible tree where each conflicting portion is identified by its own branch in the tree and the non-conflicting portions are identified by its own branch in the tree, the branches representing

the non-conflicting portions placed below the branches representing the conflicting portions.” the Examiner points to Page 11 of the specification which states: “In one implementation, the user may be presented with an expandable collapsible tree similar to those used extensively in products developed by Microsoft Corp. in, for example, its Windows family of operating systems or in Internet Explorer. Each statement conflicting with one or more concerns may be identified by its own branch in the tree, with the remainder of statement identified by a single branch. Using this technique, a user may only be required to click on a conflicting statement identifier to see what the user really wants to see. The user can then be spared viewing the remainder of the statement (if the user wishes) or can simply click on a particular branch to see other statements.” No where in the noted recitation does it mentioned that non-conflicting portions are branched out in an expandable-collapsible tree. Lastly, as admitted by Applicant in the specification an expandable-collapsible tree similar to those used extensively in products developed by Microsoft Corp. in, for example, it’s Windows family of operating systems or in Internet Explorer is and was well known in the art to one of ordinary skill in the art at the time of the invention. Lastly, Ahlstrom teaches displaying two or more conflicting policies to a user and prompting the user to choose which of the policies is to take precedence over the other policies (Column 10, Lines 38-41).

Furthermore, with respect to wherein “an user input prior to continue browsing the Web sites that do not contain the Web site privacy policy” as recited in claim 11. The specification fails to show support for the amended claim elements recited in claim 11.

Lastly, with regards to the motivation argument, the test for obviousness is not whether features of a secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in the art *In re Keller*, 208 USPQ 871 (CCPA 1981).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571) 270-5494. The examiner can normally be reached on M-TR: 7:30AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.

Examiner, Art Unit 3629

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3629